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Attorneys for Plaintiff  
ACTUATE CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ACTUATE CORPORATION, a Delaware  
corporation,

Plaintiff,

v.

WASHINGTON MUTUAL BANK, a  
Washington corporation,

Defendant.

CASE NO.: CV 08 2918

**DECLINATION TO PROCEED  
BEFORE A MAGISTRATE JUDGE  
AND  
REQUEST FOR REASSIGNMENT TO A  
UNITED STATES DISTRICT JUDGE**

**JURY TRIAL DEMANDED**

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge in the San Francisco Division.

Dated: June 20, 2008

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/  
Brian G. Mendonca

Attorneys for Plaintiff  
ACTUATE CORPORATION

**CERTIFICATE OF SERVICE**

I, Shirley R. Frazier, declare:

I am employed in San Francisco County, State of California. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, One Market, Spear Tower, Suite 3300, San Francisco, California 94105.

On this date, I served:


**1. DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

☒ By placing the document(s) in a sealed envelope for collection and mailing with the United States Postal Service on this date to the following person(s):

Susan R. Taylor  
Washington Mutual Bank  
1301 2<sup>nd</sup> Avenue  
Seattle, WA 98101

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of documents for delivery according to instructions indicated above. In the ordinary course of business, documents would be handled accordingly.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California on June 20, 2008.

  
Shirley R. Frazier